

Notice of Allowability

Application No.

09/374,136

Applicant(s)

MONROE, DAVID A.

Examiner

Kanji Patel

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/24/08.
2. ☒ The allowed claim(s) is/are 53-64 (RENUMBERED AS 1-12, RESPECTIVELY).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) ✓
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08) ✓
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance ✓
9. ☐ Other _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/07 and 1/24/08 has been entered.

Applicant's request for **continuance of prosecution** following the suspension of action for three months has been considered.

Claims 1-52 are cancelled previously. Claims 53-60 are allowed in the previous Office action. Claims 61-64 are added new.

Information Disclosure Statement

2. Information Disclosure statements submitted on 10/13/2007 and 10/29/2007 have been considered by the examiner.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Claims 53-64 (renumbered as 1-12, respectively) are allowed.

The closest prior art to Feder (US 5,872,845) discloses an apparatus for compressing and encoding a facsimile message into an image data file, encapsulating the compressed file within a data file and automatically transferring the file to a remote computer. Feder further discloses the capability of receiving encapsulated compressed

and encoded files and de-encapsulating, decompressing and decoding such files into a conventional facsimile format. The apparatus further provides a capability of storing the data and forwarding it using a high-speed modem. Feder further provides an interface to fax machines or other devices communicating via fax modems. The interface operatively connected to a series of computers linked over a wide-area network. The network receives a file from the apparatus and sends it to the appropriate destination. The network can determine the capability the intended recipient of the file and, based on the determined capability of the recipient, send the file in a suitable format. However, Fender fails to teach or fairly suggest, at least the limitation of "the interface further comprises one or more switches for selectively controlling electronic communication between (1) said line and said computer based system and (2) said line and said facsimile machine" as required by claim 53.

Furthermore, the prior art does not teach or suggest a digital processing interface in communication with the network interface, the digital processing interface being adapted to receive the received data in processor format, the digital processing interface being adapted to convert the received data in processor format from the processor format to facsimile format, the digital processing interface thus being adapted to provide the received data formatted according to a facsimile protocol and a facsimile component in communication with the digital processing interface for receiving the received data formatted according to facsimile protocol, the facsimile component being adapted to output a received facsimile signal formatted according to a facsimile protocol, the received facsimile signal including the received data formatted

according to a facsimile protocol, the received data formatted according to a facsimile protocol thus representing the received document as required by claims 61 and 63.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kanji Patel whose telephone number is (571) 272-7454. The examiner can normally be reached on Monday to Thursday from 8 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lillis Eileen can be reached on (571) 272-6928 The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kanji Patel
Art Unit 2624
2/7/08


KANJIBHAI PATEL
PRIMARY EXAMINER